

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RODNEY MITCHELL,

Plaintiff,

v.

R.M. WADE,

Defendant.

No. 2:20-cv-00183-TLN-AC

ORDER

Plaintiff Rodney Mitchell ("Plaintiff"), a state prisoner proceeding *pro se* and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 20, 2021, the magistrate judge issued findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within twenty-one (21) days. (ECF No. 9.) Plaintiff has not filed timely objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

///

1 The Court has reviewed the file and finds the findings and recommendations to be
2 supported by the record and by the magistrate judge's analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

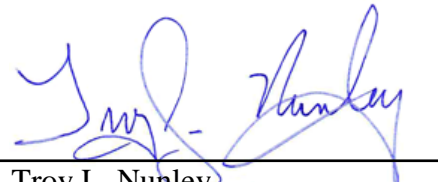
4 1. The Findings and Recommendations issued July 20, 2021 (ECF No. 9), are ADOPTED
5 IN FULL, and

6 2. This action is DISMISSED without prejudice for failure to prosecute, *see* E.D. Cal.
7 L.R. 110; Fed. R. Civ. P. 41(b).

8 IT IS SO ORDERED.

9 Dated: August 30, 2021

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Troy L. Nunley
United States District Judge